

REMARKS

Status of the Specification

The Examiner has objected to the specification because a “Brief Description of the Drawings” had not been included in the specification. Applicants have since amended the specification to include this section. Applicants have further amended the specification to include a description of each number labeled on each figure. Accordingly, Applicants submit that this objection has been overcome.

Status of the Claims

Claims 1-21 are pending in the application. The Examiner has withdrawn the rejection of claims 1-21 under 35 U.S.C. § 103(a) over U.S. patent no. 4,482,741 to Kurek in view of U.S. patent no. 6,476,269 to Nakamura. The Examiner has maintained the rejection of claims 1-21 on the ground of obviousness-type double patenting over claims 1-24 of copending application no. 10/570,099 (“the ‘099 application”).

Claims 1-21 were also provisionally rejected over the ‘099 application under 35 U.S.C. § 103(a). Applicants have responded to this rejection by stating that application serial no. 10/570,099 and the present application were both assigned to the same entity, BASF Aktiengesellschaft, at the time the invention was made and that the ‘099 application is, therefore, disqualified as prior art under 35 U.S.C. § 103(c). Despite this, the Examiner has noted that “the provisional rejection of claims 1-21 under 35 U.S.C. 103(a) as being obvious over copending application 10/571,260, which has a common invention with the instant application has been maintained.” (Office Action, page 2).

Provisional Double Patenting Rejection

Claims 1-21 were provisionally rejected on the ground of obviousness-type double patenting over claims 1-24 of the ‘099 application. Applicant submits that this rejection is overcome in view of the terminal disclaimer that is being filed in conjunction with this response.

Provisional Rejection Under 35 U.S.C. § 103(a)

Applicants are puzzled over the Examiner's statement that "the provisional rejection of claims 1-21 under 35 U.S.C. 103(a) as being obvious over copending application 10/571,260, which has a common invention with the instant application has been maintained." The present application is application serial number 10/571,260 and cannot be rejected over itself. Appropriate clarification is requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00212-US1 from which the undersigned is authorized to draw.

Dated: June 26, 2007

Respectfully submitted,

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